THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25999 of 2006

Dated:15.12.2006

BETWEEN:

Ms.Hema Jaiswal.

… Petitioner

and

The Assistant Engineer (Operations).

… Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25999 of 2006

ORDER:

The petitioner is a practising Advocate of High Court of Andhra Pradesh, Hyderabad, who was enrolled with the Bar Council of Andhra Pradesh in 1999, and established her office at her residence in November 2004. She obtained independent service connection No.F3 2416 and is availing power supply under domestic Category. However, in April 2005, the respondent, without any notice to the petitioner, changed the electricity supply from domestic to commercial category on the ground that the Office of an Advocate comes under commercial establishments. The petitioner then approached the respondent, and thereafter made a representation, dated 21.02.2006, in vain. Therefore, she filed the present Writ Petition.

In the Writ Petition, *inter alia*, it is urged that the change of category from domestic to commercial without notice is in violation of condition 3.4.1 of General Terms and Conditions of Supply (GTCS). Reliance is also placed on an unreported judgment of this Court in **Sri Aurobindo Integral School v. Chief General Manager/ Expr.Southern Power Distribution Company of A.P.Limited**[1].

The legal position is not seriously disputed. A plain reading of condition 3.4.1 of GTCS would show that the consumer shall have to be informed through a notice whenever reclassification of service is made. This is absent. Therefore, the action of the respondent is unsustainable. This was so held in the unreported judgment referred to hereinabove.

Therefore, the respondent is directed to consider the representation of the petitioner, and it shall, however, be open to the competent authority to issue notice to the petitioner and take necessary action in accordance with condition 3.4.1 of GTCS.

The Writ Petition is accordingly disposed of. No costs.

(V.V.S.RAO, J)

15.12.2006
vs

[1] W.P.No.11589 of 2006, dated 14.09.2006